REMARKS

Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 6, 7, and 9 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the invention. Claims 6, 7, and 9 have been amended such that the indefinite word "instantaneous" has been omitted. Instead, a more definite word more appropriate to the invention, "real-time," has been used in its place.

Claims 8, 10, and 11 were rejected under 35 U.S.C. § 112 because they contain the rejected claim limitation of Claims 6, 7, and 9. As amended, Claims 6, 7, and 9 are no longer indefinite. Thus, claims 8, 10, and 11 no longer contain the rejected claim limitation of Claims 6, 7, and 9.

Claim 8 was objected to under 37 C.F.R. 1.75(c) as being improper form (accumulative rather than in the alternative). In addition, once objected to for this reason, Claim 8 was not further reviewed on its merits. Claim 8 has been amended such that it is written in the alternative.

Claims 1-7 and 9-11 were rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al. (US 5,991,751). Independent Claim 1, as amended, reads: "a computer system for enabling a

simultaneous combination of techniques including intelligent searching for, problem solving with, and valuation of intellectual property, while providing model mapping of said techniques' results regarding said intellectual property in a meaningful manner with a user interface device, said computer system comprising;

at least one server computer;

one or more client computers connected to said server computer via a global area network and one or more computer programs executed by one or more server computers;

wherein said computer program further comprises computer instructions for:

storing, retrieving, and searching for information regarding said intellectual property corresponding to a technology sector within a technology exchange in and from a database, storing, retrieving, and searching problem solving solutions related to said intellectual property in and from a database, storing, retrieving, and searching scientific and engineering publications related to said intellectual property in and from a database;

allowing for searching, retrieving and storing into and from said database or databases information regarding said intellectual property within said technology exchange, said problem solving database, and said science and engineering database, resulting in model mapping and valuing said intellectual property according to one or more search criteria specified by a user."

Claim 1 specifically details the simultaneous model mapping and valuing of said intellectual property according to one or more search criteria specified by a user. This specific feature of simultaneous mapping and valuation is not present in Rivette et al. (US 5, 991,751). This invention allows for the results of a search to be displayed in a topographical or landscape mapping. The specification (6/29/2001), page 7, lines 35-42, provides the example of 2D and 3D mapping format as demonstrated at www.antarti.ca. In addition, the example of www.smartmoney.com and its "mutual fund map" to show how color is used to distinguish mutual funds based on performance is given on page 7, lines 35-42. Two years later, smartmoney.com still uses similar mapping techniques in its "Fund Map 1000."

Additionally in the specification on page 8, lines 1-37, describes the various mapping methods in which a user can display the resultant search material. Key to this invention is the element that the program allows for simultaneous modeling of

the valuation and intellectual property and provides results that are not in report form, but rather map results that are visual, in color, and with accompanying valuation. These elements are unique to this invention. Thus, applicant seeks favorable reconsideration of this application and subsequent withdrawal of the Claim 1 rejection.

Claims 2, 3, 4, 5, 6, 7, and 8 are all dependent claims, dependent on Claim 1. Based on the same unique and novel features of the present invention as above, namely that Claim 1 has unique and patentable novel features in it - precisely that it specifies simultaneous modeling of the valuation and intellectual property and provides results that are not in report form, but rather maps results that are visual, optionally colored, and with accompanying valuation, these dependent claims are now in condition for allowance.

Claim 2 was rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al.

Claim 2, as amended, reads: "The computer system of claim 1, wherein said intelligent searching includes accessing stored information contained within an electronic patent searching and retrieval system, an electronic patent valuation system, a science and engineering technology literature searching and retrieval system, and an engineering and science problem solving searching and retrieval system wherein said intelligent searching provides;

answers to queries regarding any aspect of said intellectual property, including real-time determination of a value of said intellectual property;

determination of assignee or assignees;

determination of any prior art associated with said intellectual property;

determination of any inventors associated with said intellectual property;

determination of any patents and patent applications associated with the international and U.S. classification of said intellectual property where said property is itself a patent,

determination of any past and current uses and users of said intellectual property;

prediction by said model mapping of a value, trend, or existence of current intellectual property and prediction by said model mapping of said value, trend or existence of future intellectual property."

Examiner states that "prediction by said model mapping of a value, trend, or existence of current intellectual property and prediction by said model mapping of said value, trend or existence of future intellectual property" in Claim 2 is predicted by Rivette et al., specifically in Col. 22, lines 66-67 and Col. 23, lines 1-10.

This invention, however, is uniquely different from what is described in columns 22 and 23 of Rivette et al. Page 1, lines 28-39, of this specification states that "In addition to mapping or clustering patents, it is useful to know the value of the patents. Aurigin's PCT application WO 98/55945 incorporated in this application by reference provides a method for determining the value of a company's patents by dividing the total revenue from a group of patents by the number of patents in the group. This does not allow for the valuation of another company's patents because revenue dollar information per patent or group of patents is often not available to those outside of the company who may not own the patent rights. An alternative valuation method is used by pl-x. Pl-x's method to valuate patents relies on establishing technology sectors and "pure-play" microcap companies that are within a technology sector. A "pure-play" microcap company has all its value in a single product. The values of these companies within a technology sector provide a reasonable value for the technology itself. Along with other variables, the Black-Sholes Pricing model, and options theory or the discounted cash flow method, pl-x is able to determine a value for the patent."

Thus, this invention is unique in that it extends to include other methods of valuation such as the incorporation of the pl-x method of valuation and/or the incorporation of the Black-Sholes pricing model. It further includes discounted cash

flow and other cash flow techniques. These inventive concepts are not present in Rivette et al.

Claim 3 was also rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al.

Claim 3 reads: "The computer system of claim 1, wherein any permutation and combination regarding techniques includes intelligent searching for, problem solving with, and valuation of intellectual property, while providing model mapping of said intelligent searching and valuation results is optionally simultaneous and optionally includes a simpler combination of said techniques."

Examiner states that "problem solving with" in Claim 3 is anticipated specifically by Col. 26, lines 29-33 in Rivette et al.

This invention, however, is uniquely different from what is described in Column 26 of Rivette et al. Key to this invention is the incorporation of an intelligent, problem-solving search engine, such as one known as the Invention Machine ™, or such as the inquiry, question-based form used at the *Ask Jeeves* website (www.ask.com).

Page 1, lines 3-7 and 20-35, of the present specification states that "Web-based tools provide easy access from various locations; thus, they are a preferred method of searching. It is essential that web-based tools are easy for a user to understand and utilize. Many websites including *Ask Jeeves* at

www.ask.com allow queries using natural or plain English and not Boolean text. This method is simpler and more straightforward for a user as the user may perform queries based on commonly used language. . . . There are also available web-enabled and otherwise enabled search systems with large databases and added intelligence that provide solutions to existing technology related problems. One such system, known as the Invention Machine ™, uses revolutionary semantic processing technology to harness the power of linguistic reasoning algorithms to deliver precise solutions to user problems. The technology developed understands the relationships between words and can extract all key concepts in a document. It automatically builds a high-precision semantic index in a problem-solution format populated by specific and relevant answers to user queries. Internet-enabled Knowledge Management products let users in different locations share information and let organizations gather and index important information from sources scattered across the Web. Leading vendors of commercial Knowledge Management (KM) systems include Autonomy, Business Objects, Cognos, Hewlett-Packard, Hummingbird, and Invention Machine. Today's KM products use a number of innovative techniques. For example, the underlying technology is evolving beyond simple Boolean searches so that companies can automatically classify information more usefully and employees can find relevant information more reliably. Two technologies illustrating this trend are

Autonomy's Bayesian probabilistic search-based ActiveKnowledge technology and Invention Machine's semantic-processing technology."

Thus, unique to this invention is the incorporation of intelligent searching and problem solving methods to aid in providing solutions to existing technology-related problems. This inventive concept is not present in Rivette et al.

Claim 4 was also rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al.

Claim 4 reads: "The computer system of claim 1, wherein said combination of techniques including intelligent searching for, problem solving with, and valuation of intellectual property, while providing model mapping of said intelligent searching and valuation results is optionally simultaneous and optionally includes a simpler combination whereby only intelligent searching together with valuation of intellectual property while providing model mapping is provided."

Examiner states that "whereby only intelligent searching together with valuation of intellectual property while providing model mapping is provided" in Claim 4 is anticipated by Figures 70 and 140 in Rivette et al.

While Figures 70 and 140 in Rivette et al. do show patent numbers, years to expire, and ownership (owned or licensed) together with various search selection fields, this invention is distinctly different. Patent valuation in the present

specification and claims includes much more than just patent aging and patent ownership.

As stated above in reference to Claim 2, this invention is unique in its combination of intelligent searching and simultaneous valuation and model mapping. Unique to this invention are the extensions to include other forms of valuation such as the incorporation of the pl-x method of valuation and the incorporation of the Black-Sholes pricing model as well as discounted cash flow and other cash flow techniques. These inventive concepts are not present in Rivette et al. and were not known at the time the Rivette et al. application was filed. It was filed June 6, 1997.

Claim 5 was also rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al.

Claim 5 reads: "The computer system of Claim 1, wherein a second simpler combination includes problem solving using knowledge management based systems together with valuation of intellectual property based systems while providing model mapping."

Examiner states that "using knowledge management based systems" in Claim 5 is anticipated by Col 26, lines 29-33 in Rivette et al. Column 26, lines 29-33 of Rivette et al. state "The invention supports many search strategies, including but not limited to keyword phrase, keyword phrase with Boolean, thesaurus, concept searching, object searching, and graphical

searching based on likeness of words/images." The present invention is distinctly different.

The present invention includes those concepts and additionally includes search capabilities that include probabilistic search-based technology and semantic processing technology.

On page 1 of the specification, lines 20-35, it notes that, "There are also available web-enabled and otherwise enabled search systems with large databases and added intelligence that provide solutions to existing technology related problems. One such system, known as the Invention Machine ™, uses revolutionary semantic processing technology to harness the power of linguistic reasoning algorithms to deliver precise solutions to user problems. The technology developed understands the relationships between words and can extract all key concepts in a document. It automatically builds a high-precision semantic index in a problem-solution format populated by specific and relevant answers to user queries. Internet-enabled Knowledge Management products let users in different locations share information and let organizations gather and index important information from sources scattered across the Web. Leading vendors of commercial Knowledge Management (KM) systems include Autonomy, Business Objects, Cognos, Hewlett-Packard, Hummingbird, and Invention Machine. Today's KM products use a number of innovative techniques. For example, the

underlying technology is evolving beyond simple Boolean searches so that companies can automatically classify information more usefully and employees can find relevant information more reliably. Two technologies illustrating this trend are Autonomy's Bayesian probabilistic search-based ActiveKnowledge technology and Invention Machine's semantic-processing technology."

Thus, the knowledge management methods used in this invention and the inclusion of probabilistic search-based technology and semantic processing technology are distinctly different from those merely suggested in Rivette et al.

Claim 6 was also rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al.

Claim 6, as amended, reads: "The computer system of Claim 1, wherein a third simpler combination includes electronic patent searching and results of said searching for specific intellectual property and simultaneous and real-time valuation of said patented intellectual property while providing model mapping."

Examiner states that "searching for specific intellectual property" is anticipated by Rivette et al. in Column 26, lines 29-33 and Figure 141. Examiner also states that "valuation of said patented intellectual property while providing model mapping" is anticipated in Rivette et al. in Figures 67 and 70.

As stated above in reference to Claim 3, this invention offers the incorporation of an intelligent, problem-solving search engine, such as one known as the Invention Machine ™, or such as the inquiry, question-based form used at the *Ask Jeeves* website (www.ask.com). Again, such incorporation is unique this invention.

In addition, in reference to valuation, Rivette et al. figures 67 and 69 show only patent aging with years to expiration and ownership status. As stated in reference to Claim 1, this invention includes simultaneous mapping and valuation that allows for the results of a search to be displayed in a topographical or landscape mapping. Such mapping was described in this application in page 7, lines 35-42, which provides the example of 2D and 3D mapping format as demonstrated at www.antarti.ca. In addition, the example of www.smartmoney.com and its "mutual fund map" to show how color may be used to distinguish mutual funds based on performance is given in page 7, lines 35-42.

Thus, this invention includes a unique technique for searching for intellectual property and for simultaneous valuation and model mapping of intellectual property. This technique is not present in Rivette et al.

Claim 7 was also rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al.

Claim 7, as amended, reads: "The computer system of Claim 1, wherein a fourth simpler combination includes electronic non-patent searching and results of said searching for specific non-intellectual property and simultaneous and real-time matching of said non-intellectual property with said patented intellectual property while providing model mapping."

Examiner states "matching of said non-intellectual property with said patented intellectual property while providing model mapping" is anticipated by Figure 80 in Rivette et al.

Figure 80 shows a text-based chart, sorted by company name, that lists company department, patent number, name, and status. Figure 80 in Rivette et al. seems unclear. It does not provide clear indication as to what the figure is displaying. In addition, it appears clear from Figure 80 to offer no simultaneous valuation and model mapping of the matched patented and non-patented material.

As stated above in reference to Claim 1, this invention also includes simultaneous model mapping. As the non-patented and patented material is matched, this invention also maps it. It is this simultaneous matching, valuation, and mapping that are unique to this invention.

Thus, this invention includes a unique technique for the inclusion of non-patented material in its simultaneous valuations and model mapping techniques. This technique is not present in Rivette et al.

Claim 9 is a method claim. Claim 9 was rejected under 35 U.S.C. 102(b) as being anticipated by Rivette et al. (US 5,991,751). The method by which Claim 9 valuates patents and related material is unique and not found in Rivette et al.

These elements: simultaneous model mapping and valuing of said intellectual property according to one or more search criteria specified by a user (6/29/2001 specification, page 5, lines 1-18; and page 6, lines 8-37);extensions to include other forms of valuation such as the incorporation of the pl-x method of valuation and/or the incorporation of the Black-Sholes pricing model as well as discounted cash flow and other cash flow technique (page 6, lines 40-45, and page 7, lines 1-16); the incorporation of intelligent searching and problem solving methods to aid in providing solutions to existing technology-related problems (page 5, lines 40-45 and page 6, lines 1-37); advanced knowledge management that includes search capabilities such as probabilistic search-based technology and semantic processing technology (page 6, lines 8-37); and a unique technique for the inclusion of non-patented material in its simultaneous valuations and model mapping techniques (page 7, lines 19-24, and page 8, lines 39-45), are all unique to this invention.

Thus, applicant seeks withdrawal of the Claim 9 rejection.

Claims 10 and 11 are both dependent claims, dependent on Claim 9. Based on the same premise as above, namely that Claim 9

has unique and patentable novel features in it -- precisely that it specifies a method for simultaneous modeling of the valuation and intellectual property and provides results that are not in report form, but rather map results that are visual, optionally in color, and with accompanying valuation, these dependent claims are also now placed in condition for allowance.

Favorable reconsideration and early passage to issue of the present application are now earnestly solicited.

Applicant can be reached at the address or numbers cited below.

Dated this 8th day of August, 2003

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Please amend Claim 2 and Claims 6-9, to the present version with markings to show changes made:

2. (Amended) The computer system of claim 1, wherein said intelligent searching includes accessing stored information contained within an electronic patent searching and retrieval system, an electronic patent valuation system, a science and engineering technology literature searching and retrieval system, and an engineering and science problem solving searching and retrieval system wherein said intelligent searching provides;

answers to queries regarding any aspect of said intellectual property, including [instantaneous] real-time determination of a value of said intellectual property;

determination of assignee or assignees;

determination of any prior art associated with said intellectual property;

determination of any inventors associated with said intellectual property;

determination of any patents and patent applications associated with the international and U.S. classification of said intellectual property where said property is itself a patent,

determination of any past and current uses and users of said intellectual property;

prediction by said model mapping of a value, trend, or existence of current intellectual property and prediction by said model mapping of said value, trend or existence of future intellectual property.

6. (Amended) The computer system of Claim 1, wherein a third simpler combination includes electronic patent searching and results of said searching for specific intellectual property and simultaneous and [instantaneous or near instantaneous] real-time valuation of said patented intellectual property while providing model mapping.

7. (Amended) The computer system of Claim 1, wherein a fourth simpler combination includes electronic non-patent searching and results of said searching for specific non-intellectual property and simultaneous and [instantaneous or near instantaneous] real-time matching of said non-intellectual property with said patented intellectual property while providing model mapping.

8. (Amended) The model mapping of [claims 1-7] claim 1, 2, 3, 4, 5, 6, or 7, where said model mapping includes topographical features optionally including colors, numbers, or symbols representing intellectual property value and direction of increasing and decreasing value of said intellectual property.

9. (Amended) A computer implemented method for enabling optional simultaneous and [instantaneous] real-time or optional simultaneous or optional [instantaneous] real-time review of data containing files comprising;

patents, patent applications, and publications as they appear in an electronic patent shoe or
otherwise, science and engineering technology literature pertinent to said patents and patent applications and publications from electronic databases, and problem solving solutions pertinent to said patents and patent applications and publications from electronic databases,

allowing for evaluation of said review and pertinent [instant] real-time [or near instant] valuation methods of said patents or patent applications and publications comprising the steps of;

(1) causing generation of an electronic patent shoe with optional [instant] real-time access to said science and engineering technology literature review, problem solving solutions review, and valuation methods comprising minimally a plurality of patents, and optionally said technology literature, and said problem solving solutions;

(2) causing access to a user interface device to distribute, by means of an audio or visual or audiovisual display, in a meaningful manner, at least a list of patents and associated pertinent valuations of said list of patents in [an instantaneous] a real-time fashion and optionally allowing access and subsequent distribution to problem solving solutions and technology literature associated with and pertinent to said list of patents and associated valuations;

(3) causing, pursuant to a command to view or hear a next file comprising said patents and associated valuations, said problem solving solutions and said technology literature, retrieval and audible or visual display of image or text data or both image and text data representative of at least a portion of said next file; and

(4) causing, pursuant to a command to view or hear a previous file, retrieval and distribution of at least a portion of said previous file;

and;

(5) allowing a user to scroll back and forth between steps (2) and (3) with no limitations and to provide reports with or without model mapping that capture any desired portion of said visual or audible or audiovisual displays.

Dated this 8th day of August, 2003

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